

Message Text

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ACTION CU-05

INFO OCT-01 EA-10 ISO-00 ACDA-07 OIC-02 L-03 IO-13

PA-01 PRS-01 USIA-06 JUSE-00 CIAE-00 INR-07

NSAE-00 PM-05 NSC-05 SP-02 SS-15 DODE-00 /083 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4102

INFO CINCPAC

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CINCPAC FOR POLAD

E.O. 11652: NA

TAGS: SHUM, PINT, RP

SUBJECT: MARCOS' KEYNOTE SPEECH TO MANILA LAW CONFERENCE

REF: MANILA 13106

1. SUMMARY: IN A WELL-RECEIVED KEYNOTE ADDRESS BEFORE THE WORLD PEACE THROUGH LAW CONFERENCE AUGUST 22, PRESIDENT MARCOS DEFENDED HIS USE OF MARTIAL LAW TO RESTRUCTURE PHILIPPINE SOCIETY, MAINTAINING THAT THE "OLD SOCIETY" WAS UNSUITED TO DEMOCRACY AND THAT HIS REFORMS ARE BEING CARRIED OUT UNDER LEGAL RESTRAINTS. COMMENTING ON HUMAN RIGHTS (THE THEME OF THE CONFERENCE), MARCOS SOUGHT TO DIFFERENTIATE BETWEEN WESTERN AND COMMUNIST DEFINITIONS OF "FREEDOM" AND TO ASSERT THAT NEITHER DEFINITION WAS ENTIRELY APPROPRIATE TO THE THIRD WORLD. HE ADMITTED GOP HUMAN RIGHTS VIOLATIONS BUT INSISTED GOP "HAS NOT, DOES NOT, AND WILL NOT TOLERATE THE TORTURE OR MALTREATMENT OF PRISONERS." HE CITED THE MOVEMENT OF THE PHILIPPINES TO "NORMALCY" AND ANNOUNCED SEVERAL MEASURES TO RELAX THE CONSTRAINTS OF MARTIAL LAW. END SUMMARY.

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2. PRESIDENT MARCOS WAS KEYNOTE SPEAKER AT WORLD PEACE THROUGH LAW CONFERENCE AUGUST 22. MAJOR LOCAL INTEREST WAS FOCUSED ON LIFTING OF CURFEW AND INTERNATIONAL TRAVEL BAN, PROMISE OF LOCAL ELECTIONS AND LIMITED AMNESTY FOR DETAINEES CHARGED WITH SUBVERSION (REFTEL). HOWEVER, GIVEN THIS OPPORTUNITY TO SPEAK BEFORE A MAJOR INTERNATIONAL GATHERING OF JURISTS REPRESENTING 120 COUNTRIES, MARCOS

PROVIDED PERHAPS HIS FULLEST COMMENTARY ON HUMAN RIGHTS ISSUES TO DATE.

3. MARCOS BEGAN HIS HOUR-LONG SPEECH BY DEFENDING HIS MARTIAL LAW REGIME AS A "GOVERNMENT OF LAWS," WHICH STEERED A COURSE BETWEEN ANARCHY AND TRYANNY. HE ASSERTED THAT HE DELIBERATELY CHOSE "CONSTITUTIONAL AUTHORITARIANISM," RATHER THAN TO "DISCARD THE RESTRAINTS OF THE CONSTITUTION AND THE LAW AND TO ESTABLISH A COMPLETELY NEW GOVERNMENT." HE ADMITTED, HOWEVER, THAT THERE WAS CRITICISM OF HIS USE OF MARTIAL LAW "NOT MERELY TO RETURN TO THE STATUS QUO, WHICH WAS ITS HISTORICAL USAGE, BUT TO BRING ABOUT A RADICAL RESTRUCTURING OF THE SOCIETY." HE PROMISED, HOWEVER, THAT "I HAVE NO INTENTION OF LEAVING AS A LEGACY THE INSTITUTION OF A COMMAND SOCIETY."

3. NOTING THAT "WE ARE MOVING IRRETRIEVABLY TOWARD NORMALCY," MARCOS THEN ANNOUNCED THE MODIFICATION TO MARTIAL LAW REPORTED IN REFTEL. (COMMENT: WITH REGARD TO ELECTIONS, MARCOS SAID THAT FOLLOWING LOCAL ELECTIONS NOT LATER THAN NEXT YEAR" HE WOULD DECIDE WHETHER AND WHEN TO HOLD ELECTIONS FOR "ALL OTHER POSITIONS IN THE GOVERNMENT." HOWEVER, THE PHILIPPINE NEWS AGENCY TEXT DISTRIBUTED THE FOLLOWING DAY MERELY SAID THAT AFTER THE ELECTIONS HE "WOULD HOPE TO INQUIRE WHEN WE CAN HOLD THE OTHER ELECTIONS." ALSO, DESPITE HIS FLAT STATEMENT LIMITED OFFICIAL USE

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THAT HE HAD "TERMINATED CURFEW," SUBSEQUENT REPORTS INDICATE THAT THE DEPARTMENT OF NATIONAL DEFENSE WILL DESIGNATE WITHIN TEN DAYS CRITICAL AREAS OF THE COUNTRY WHERE CURFEW IS TO BE MAINTAINED. END COMMENT.)

4. FOLLOWING THIS ANNOUNCEMENT, HE LAUNCHED INTO A DISCUSSION OF HUMAN RIGHTS. DEPLORING BRUTALITY, HE NOTED THAT "THIS PHENOMENON IS NOT EASILY SUMMARIZED AS A CASE OF AUTHORITY GONE BESERK AND TYRANNICAL. IT IS ALSO MANY TIMES THE EXPRESSION OF LIBERTIES GONE AWRY AND ANARCHICAL. THERE ARE DEPLORABLE CASES OF STATE VIOLENCE UPON THE CITIZENRY, AND THERE ARE ALSO DEPLORABLE ACTS OF TERRORISM BY INDIVIDUALS AND GROUPS WHICH IN RECENT YEARS HAVE GROWN IN BRUTALITY AND HORROR." MOREOVER, "OVERSHADOWING THESE PROBLEMS IN HUMAN AFFAIRS IS THE BITTERNESS OF THE IDEOLOGICAL CONFLICT ON THE PLANET, WHICH HAS ALREADY CLAIMED THE LIVES OF MILLIONS..." AND ALSO, "THE ECONOMIC GAP BETWEEN THE DEVELOPED AND THE DEVELOPING NATIONS HAS RIPENED INTO NEW FORMS OF CHALLENGE TO THE SECURITY AND WELL-BEING OF MANKIND. WE UNDERSTAND NOT AT ALL THE MOUNTING CRISIS OF RISING POPULATIONS AND SHORTAGE OF RESOURCES IF WE DO NOT SEE THIS AS A FUNDAMENTAL DENIAL OF THE RIGHTS OF HUMAN

BEINGS TO LIFE, DIGNITY AND INDIVIDUAL FULFILLMENT. THESE ARE ALL SYMPTOMS OF INSTABILITY AND DECAY IN OUR CONTEMPORARY WORLD, AND WE CANNOT I THINK RESOLVE ANY OF THESE PROBLEMS WITH OUR EYES GLUED ONLY TO ONE ASPECT OF THE SITUATION, INDIFFERENT TO THE OTHERS, OR LOCKED, AS THE WORLD APPEARS TO BE NOW, IN A DEBATE ABOUT VIRTUES. IT IS A SITUATION THAT SHOULD RIGHTLY PROVOKE A CRISIS OF CONSCIENCE, BUT AN APPEAL TO INTERNATIONAL MORALITY ALONE WILL NOT SUFFICE TO DEAL WITH THE PROBLEMS WE FACE."

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5. MARCOS THEN DISCUSSED AT LENGTH THE HISTORY OF WORLDWIDE CONCERN FOR HUMAN RIGHTS, ENDING WITH A DEFENSE OF THE PHILIPPINE POSITION ON REFUSING TO SIGN THE UN CONVENANT AND PROTOCOL ON CIVIL AND POLITICAL RIGHTS. HE NOTED THAT "WE DO SUBSCRIBE TO THE RIGHTS ENUMERATED IN SUCH CONVENANT AND PROTOCOL", BUT THE PHILIPPINES HAS OBJECTED SINCE 1966 TO THE "MEANS OF IMPLEMENTATION AS CONSTITUTING A DEROGATION OF NATIONAL SOVEREIGNTY (WHICH) MAY RESULT IN THE INTERFERENCE OF THE SUPER POWERS IN LESS DEVELOPED COUNTRIES WITHOUT ADVANCING THE CAUSE OF HUMAN RIGHTS." THEN, WITHOUT ELABORATION, HE ANNOUNCED THAT "THE PHILIPPINES WOULD PREFER A REGIONAL APPROACH TO THE PROBLEM OF ENSURING HUMAN RIGHTS PROTECTION."

6. MARCOS SAID, "THERE IS NO QUIBBLE TODAY ABOUT THE IRREDUCIBLE MINIMUM OF FUNDAMENTAL VALUES, THE VIOLATION OF WHICH MUST SUBJECT ANY NATION TO INTERNATIONAL CENSURE AND DISAPPROVAL." HOWEVER, HE REGRETTED THAT "THE CAMPAIGN

FOR HUMAN RIGHTS BITTERLY DIVIDES INTO A CONTENTION OVER
IDEOLOGY, RATHER THAN ON REALITIES; A COMPETITION FOR
ASCENDENCY IN GLOBAL AFFAIRS, RATHER THAN A GENUINE EFFORT
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TO ADVANCE THE LOT OF MEN IN THE INTERNATIONAL
COMMUNITY." HE COMPLAINED THAT "DOGMA INSISTS ON THE
FINAL ATTAINMENT OF FREEDOM BY EVERY SOCIETY," AND HE CONTINUED
THAT "IT IS REGRETTABLE THAT DOGMATISM HAS OFTEN RESULTED
IN THE INTERVENTIONS OF THE STRONG IN THE AFFAIRS OF THE
WEAK, TO ENFORCE AN OBJECTIVE THEY CONSIDER UNIVERASALLY
ORDAINED. FROM HERE HAVE FLOWED THE LEGACIES THAT HAVE
THROWN MANKIND INTO WAR AND ITS INDESCRIBABLY HORROR. FROM
HERE HAVE FLOWED THE INTERVENTIONS ON BEHALF OF "FREEDOM"
THAT TURNED INTERNAL CONFLICTS INTO UNMITIGATED INTERNATIONAL
TRAGEDIES. FROM HERE HAVE FLOWED THE CONFLICTS THAT
TODAY RAGE IN THE ANCIENT LANDS OF AFRICA AND ELSEWHERE."

7. MARCOS THEN USED THE PHILIPPINES AS AN EXAMPLE TO
CONSIDER "THE STATUS OF HUMAN RIGHTS IN THE DEVELOPING
COUNTRIES OF THE WORLD -- THOSE COUNTRIES WHICH CONSTITUTE
SO MUCH OF MANKIND TODAY, AND WHOSE EXPERIENCES HAVE NOT
ALWAYS CONFORMED TO CHERISHED BELIEFS AND ASSUMPTIONS IN
THE FIELD OF HUMAN RIGHTS. MOST OF THESE COUNTRIES WERE
AT ONE TIME OR ANOTHER OUTPOSTS OF WESTERN CIVILIZATION,
AND SO IT HAS BEEN A CONSTANT WONDER WHY THEIR LONG
EXPOSURE TO THE WEST AND ITS INSTITUTIONS DID NOT SUFFICE
TO PREPARE THE SOIL ON WHICH WESTERN DEMOCRACY COULD
GROW AND FLOURISH." MARCOS MAINTAINED THAT "OUR
DEMOCRATIC SYSTEM HAS MANIFESTLY FAILED TO RECONCILE
(THE PEOPLES') ASPIRATIONS WITH NATIONAL REALITIES AND TO
MAKE INSTITUTIONS AND PROCESSES BUILT ON THESE ASPIRATIONS
EFFECTIVE TO ALTER THE CONDITIONS OF OUR SOCIETY. THIS
REALIZATION AND THE NEED TO BREAK OUT OF THE CIRCLE OF
FUTILITY, AS HAS OFTEN HAPPENED IN OTHER SOCIETIES, LED US
INTO THE UTILIZATION OF CRISIS RULE ITSELF AS A MEANS TO
EFFECT VITAL AND RADICAL REFORMS IN OUR SOCIETY. IT LED
US TO A RESOLUTION THAT NO LESS THAN A NEW SOCIETY MUST
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BE THE OUTCOME OF THIS CONVULSION IN OUR NATIONAL LIFE...
HOWEVER, WE HAVE PLEDGED THAT THIS MUST BE A MOVEMENT
TOWARD DEMOCRACY AND FREEDOM, THAT THIS MUST BE A PERIOD
OF BUILDING THE INFRASTRUCTURE OF A DEMOCRATIC SOCIETY
AND THEN A PROCESS OF CONSTRUCTING THE FULL FORM OF
DEMOCRATIC GOVERNMENT.

8. "NOW THIS IS A CLAIM WHICH I AM AWARE IF OFTEN
SEEN BY FOREIGN OBSERVERS AS MERELY CAMOUFLAGE FOR
AUTHORITARIAN RULE. THERE IS ANXIETY THAT THIS
INTERVAL OF CRISIS RULE MAY HAVE RESULTED IN A PROLONGED
AND PREVALENT SUPPRESSION OF HUMAN RIGHTS. TO THIS WE CAN
ONLY COMMEND A ZEALOUS EXAMINATION OF EVENTS AND DEVELOPMENTS
IN THE PHILIPPINES, AND WE STAND BY OUR RECORD AS A
MEASURE OF HOW WE PROTECT AND PROMOTE THE FUNDAMENTAL
RIGHTS OF OUR PEOPLE AND SEEK TO EXPAND THE MEANING OF
FREEDOM FOR ALL. AND I WILL POINT OUT FUREHER THAT IN
THIS INTERVAL OF EMERGENCY WE HAVE NOT LOST SIGHTS OF OUR
COMMITMENTS TO FUNDAMENTAL VALUES AND HUMAN RIGHTS. THE
RULE OF LAW HAS FULLY OPERATED IN OUR SOCEITY. THE
RULE OF LAW HAS FULLY OPERATED IN OUR SOCIETY. THE
REPUBLIC OF THE PHILIPPINES WILL RIGOROUSLY ADHERE TO THE
RULE OF LAW. AND THOUGH THERE HAS BEEN TO OUR LASTING
REGRET A NUMBER OF VIOLATIONS OF THE RIGHTS OF DETAINEES,
STILL IT MUST BE RECOGNIZED THAT THIS IS A SOCIETY AND
THIS IS A GOVERNMENT THAT HAS NOT, DOES NOT, AND WILL NOT
TOLERATE THE TORTURE OR MALTREATMENT OF PRISONERS WHATEVER
CHARGES THEY MAY FACE." CITING SECRETARY VANCE'S STATEMENT
THAT NO SOCEITY HAS A PERFECT HUMAN RIGHTS RECORD, MARCOS
CONCLUDED THAT WE CAN ONLY PLEDGE OUR DETERMINATION TO
DO BETTER...AND TO WORK TOGETHER TOWARDS THE IMPROVEMENT
OF THOSE STRUCTURES OF INTERNATIONAL PROTECTION AND
PROMOTION OF HUMAN RIGHTS ALL OVER THE WORLD."

9. PRESIDENT MARCOS FINISHED HIS SPEECH WITH A BRIEF
CATALOG OF OTHER PROBLEMS IN INTERNATIONAL LAW AND WISHED
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THE DELEGATES WELL.

10. COMMENT: THE SPEECH REPRESENTED MARCOS' MOST
AMBITIOUS EFFORT TO DATE TO COMMENT ON THE ISSUE OF
HUMAN RIGHTS FROM THE PHILIPPINE PERSPECTIVE. THE
PRESIDENT'S REMARKS, PARTICULARLY HIS ENUNCIATION OF THE
SEVERAL STEPS TO RELAX MARTIAL LAW AND MOVE TOWARD
"NORMALCY", WERE WELL RECEIVED BY THE JURISTS.

11. FULL TEXT BEING POUCHED TO EA/PHL.
STULL

NOTE BY OC/T: SECTION 1 OF 2 RECEIVED GARBLED. CORRECTED
VERSION TO FOLLOW.

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Subject: MARCOS\ KEYNOTE SPEECH TO MANILA LAW CONFERENCE
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